

# INVESTIGATION REPORT

**Confidential Information  
Not For Distribution**

**To:** Troy Riggs, Executive Director of the Department of Public Safety

**Subject:** Chief Robert White Investigation

**Conducted by:** Jody Luna, Employment Matters LLC

**Date of Report:** April 12, 2018

## **Investigation**

**Active:** February 27, 2018 to April 12, 2018

**Procedure:** Karla Pierce, Assistant Director of the Litigation Section for the City Attorney's Office, City and County of Denver ("Denver"), contacted the undersigned, Jody Luna of Employment Matters LLC Flynn Investigations Group, ("EMFIG") to conduct an investigation in response to allegations against Chief Robert White of the Denver Police Department ("DPD"). I explained the investigation process to Ms. Pierce, and clarified the investigator's role and the necessary expectations in this process as communicated to all participants and referenced below.

The undersigned, Jody Luna, assumed the role of investigator in this matter. I prepared written summary statements for each witness. All interviews were also audio-recorded and commissioned officers were provided with a Garrity advisement. I communicated similar introductory remarks to each witness. These remarks addressed the purpose of the investigation and my role as a neutral fact finder, confidentiality expectations as appropriate, Denver's prohibition against retaliation for participation in the investigation and/or making complaints under the equal employment opportunity policy, and the expectation to be truthful. Except as noted, each witness reviewed his or her summary statement with me. I encouraged each witness to make any additions, deletions, or other modifications necessary to accurately reflect his or her perspective. Each witness was asked to review his or her statement to ensure completeness and accuracy and attest thereto by signing the summary statement.

Except as noted, all interviews took place at the 2373 Central Park Blvd., Denver, CO. I interviewed the following individuals on the dates noted:

February 27, 2018: Commander Magen Dodge<sup>1</sup>  
March 2, 2018: [REDACTED]  
March 5, 2018: [REDACTED]  
March 7, 2018: [REDACTED]  
March 8, 2018: [REDACTED]  
  
March 13, 2018: [REDACTED]  
March 15, 2018: Follow-up telephone interview with Magen Dodge<sup>2</sup>  
March 29, 2018: [REDACTED]  
March 30, 2018: Chief Robert White  
April 5, 2018: Telephone interview with [REDACTED]  
April 6, 2018: Telephone interview with Deputy Chief Matt Murray<sup>5</sup>

**Attachments:**

1. Magen Dodge summary statements
2. March 7, 2018 letter from Bryan Reynolds to Karla Pierce and Jennifer Jacobson
3. March 8-9, 2018 email exchange between Mr. Reynolds and Ms. Luna re: letter to City Attorney<sup>6</sup>
4. [REDACTED] summary statement
5. [REDACTED] summary statement
6. [REDACTED] summary statement
7. [REDACTED] summary statement
8. [REDACTED] summary statement
9. [REDACTED] summary statement
10. [REDACTED] summary statement
11. Robert White summary statement
12. [REDACTED] summary statement with April 5, 2018 email
13. Matthew Murray summary statement
14. April 2, 2018 email from Matt Murray to Jody Luna
15. March 1, 2018 email, Bee Ling Withers to DPD employees re: TOLL charges with attached spreadsheet<sup>7</sup>
16. February 22, 2018 email chain re: TOLLS with attached spreadsheet

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<sup>1</sup> Also present was Bryan Reynolds, Commander Dodge's attorney.

<sup>2</sup> This interview concerned the March 7, 2018 letter from Mr. Reynolds to Karla Pierce and Jennifer Jacobson (Attachment 2). Mr. Reynolds was present for the interview, which was conducted by telephone because of his schedule. *See* Attachment 3.

<sup>3</sup> [REDACTED] interview was conducted at the Webb Building.

<sup>4</sup> Because of the limited questions for [REDACTED], the interview was conducted by telephone.

<sup>5</sup> Because of the limited questions for Deputy Chief Murray, the interview was conducted by telephone.

<sup>6</sup> In his email, Mr. Reynolds requested questions be submitted in writing in order to expedite the matter. This investigator prepared and emailed questions to Mr. Reynolds which are not included with this Report, as Commander Dodge thereafter requested a telephone interview instead.

<sup>7</sup> The only spreadsheets attached to this email or those included with Attachment 15, 16, and 17.

17. February 28, 2018 email, Ms. Springer to Mary Dulacki re: 2017 DPD tolls with attached spreadsheet
18. Email, Cmdr. Dodge to Ms. Luna, with March 5, 2018 email from Mary Dulacki re: DPD Toll Payments
19. Miscellaneous emails provided by [REDACTED]
20. Miscellaneous emails from Cmdr. Dodge
21. January 13, 2018 email from Chief White re: 2018 Strategic Command meetings
22. February 2, 2018 Direct Order to Chief White
23. February 12, 2018 Notice and Direct Order to Chief White
24. Emails from [REDACTED]
25. Garrity advisements
26. Audio-recordings<sup>8</sup>

### **Background and Summary of Issues**

In 2017, this investigator conducted a lengthy investigation of allegations against Denver's Deputy Chief of Police Matthew Murray and Chief of Police Robert White. Commander Magen Dodge was interviewed on October 30, 2017, as part of that investigation. In her interview, Commander Dodge raised allegations outside of the scope of the initial investigation; specifically, that Chief White had made an inappropriate gender-related comment and a comment of a sexual nature. Commander Dodge also alleged that she disagreed with Chief White regarding an Internal Affairs investigation against a lieutenant who reported to her, and expressed to him she thought the investigation could have been motivated by the officer's sexual orientation. She claims that after that discussion, Chief White "retaliated" by denying her the opportunity to participate in collective bargaining negotiations.

This investigator understands that after the City Attorney's Office reviewed the statements from the previous investigation, they concluded that an investigation of Commander Dodge's allegations was merited. In February 2018, a complaint was opened in Internal Affairs naming Commander Dodge as the complainant and addressing the issues raised by Commander Dodge in her October 2017 interview. However, Commander Dodge herself did not initiate that complaint. After Commander Dodge expressed concerns about this, that complaint was rescinded and another complaint concerning the same allegations was opened by Internal Affairs listing Troy Riggs, the Executive Director of the Department of Public Safety, as the complainant. This investigator was asked to review those issues in a separate investigation.

On March 7, 2018, after Commander Dodge was interviewed in the instant investigation, her attorney, Brian Reynolds, submitted a letter on behalf of Ms. Dodge outlining additional allegations and stating that Chief White was continuing to "retaliate" against Commander Dodge. This investigator was asked to also review those additional claims.

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<sup>8</sup> A flash drive of the recorded interviews was sent under separate cover to Karla Pierce of the City Attorney's office.

### Summary of Findings

Allegation 1:

[REDACTED]

Allegation 2:

[REDACTED]

Allegation 3:

[REDACTED]

Allegation 4:

[REDACTED]

Allegation 5:

[REDACTED]

Allegation 6:

[REDACTED]

Allegation 7:

[REDACTED]

Allegation 8:

[REDACTED]

Allegation 9:

[REDACTED]

### Executive Summary

Commander Megan Dodge is the Patrol Commander for DPD's District 3. Her supervisor is Deputy Chief David Quiñones. Commander Dodge alleges that in early 2017, she had concerns that an Internal Affairs complaint against one of her officers, [REDACTED], was motivated by [REDACTED] sexual orientation. She states that she discussed this concern with Chief White, and Chief White disagreed with her and when she advised him she might initiate a complaint with the EEO, he made comments to her she perceived as "threatening." She did not take this to the EEO, but states that thereafter, her relationship with Chief White became "strained."

Commander Dodge asserts Chief White has treated her differently since she approached him in early 2017 to discuss the [REDACTED] matter. Chief White denies that he acted differently toward Commander Dodge because of their discussion in early 2017. He acknowledges, however, that at some point last year their relationship changed. He attributes the change to the previous investigation and Chief Quiñones' involvement in that investigation. Chief White asserts Commander Dodge is acting differently because she is aligned with Chief Quiñones. Regardless of the reasons, it is undisputed that Commander Dodge and Chief White no longer have the friendly relationship they once had.

Commander Dodge further alleges that after she spoke to Chief White about the [REDACTED] matter, he did not include her in collective bargaining, which he had previously told her she could do. She describes the opportunity to sit in on collective bargaining as a learning opportunity, and she claims Chief White decided not to include her because of her discussion with him about the [REDACTED] matter.

Commander Dodge also claims that after this conversation, Chief White made comments to or about her that were gender-related or with offensive sexual overtones. She says she discussed these comments with Chief White and he said he was "joking" when he made the comments. Commander Dodge alleges that, thereafter, Chief White has taken action against her that she considers "retaliatory." Commander Dodge does not assert that Chief White has continued to make comments of this nature since her conversation with him.

Chief White claims that Commander Dodge's complaints are because of an ongoing investigation of reporting practices in her District, District 3. However, Commander Dodge first raised her concerns to this investigator in October 2017. This investigator understand the issues related to the District 3 reporting practices did not arise until early 2018. Commander Dodge is not considered a suspect in that investigation, but is a witness, instead. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Commander Dodge's claims of retaliation are more attenuated by circumstance. [REDACTED]

[REDACTED] And, a lieutenant who works for Commander Dodge claims Chief White made a comment to him implying a complaint had been filed by Commander Dodge. This occurred after Chief White was directed not to discuss the complaint. [REDACTED]

[REDACTED]

Last, Commander Dodge claims that numerous employees question her and other District 3 officers on a regular basis regarding rumors Chief White is going to demote or transfer Commander Dodge. [REDACTED]

### **Investigator Findings**

This section identifies the pertinent allegations, followed by identification and analysis of sources of relevant information toward the Investigator's findings. The most comprehensive understanding of the issues and information addressed here derives from review of each of the interview statements obtained in the investigation process. Unless otherwise noted, all information quoted below derives from summary statements obtained in the investigation process.

**Allegation 1:** Commander Dodge alleges that when she advised Chief White she might file an EEO complaint because she questioned whether an Internal Affairs investigation against one of her officers was motivated by the officer's sexual orientation, Chief White told her in a threatening tone, "You had better be really careful about what you are doing."

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation 2:** Commander Dodge alleges Chief White chose not to include her in collective bargaining negotiations because she raised concerns about possible discriminatory motivation for the [REDACTED] investigation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation 3:** Commander Dodge alleges that, in reference to working out at his gym, Chief White once said, “There is one Stapleton mommy who works out in front of me with yoga pants, and I get a good workout when she is there.”

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation 4:** Commander Dodge alleges that Chief White, referring to an upcoming dinner sponsored by a group supportive of DPD, told her “You are personally responsible for earning \$50,000,” insinuating she was a prostitute.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation 5:** Commander Dodge alleges that Chief White, upon hearing Commander Dodge's opinion related to discipline of a female officer, said, "I don't know what Magen's deal is; it must be a female thing."

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation 6:** Commander Dodge alleges that Chief White mentioned to [REDACTED] that Commander Dodge had filed a complaint, despite an order that Chief White not discuss the case.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation 7:** Commander Dodge alleges that, because of her allegations against him, Chief White cut short a presentation she was required to give to him and Deputy Chiefs Quiñones and Murray.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation 8:** Commander Dodge alleges that Chief White intentionally sent an email to DPD employees with a spreadsheet that focused attention on Commander Dodge's failure to pay certain toll charges.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

**Allegation 9: Commander Dodge alleges that Chief White has made comments about transferring or demoting her.**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### Conclusion

Commander Dodge's complaints concern Chief's White's comments and conduct toward her after her relationship with Chief White became "strained." Chief White does not dispute that he and Commander Dodge no longer have the collegial relationship they once had, although he says it has nothing to do with Commander Dodge's complaints to or against him. Regardless, the shift in their relationship has resulted in Commander Dodge being more cognizant of Chief White's comments to or about her. The shift has also caused her to question his motivation regarding decisions he has made involving her.

[REDACTED]

### Analysis

[REDACTED]

### END REPORT

Respectfully submitted,



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Jody Luna, J.D.  
Senior Investigator  
Employment Matters LLC  
Flynn Investigations Group